

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN RE: BDC GROUP, INC., Debtor.	Bankruptcy Case No. 23-00484 Appeal No. 24-cv-00104-LTS-MAR STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL
---	--

Creditor/Appellant Keystone Savings Bank (the “Bank”), pursuant to Fed. R. Bankr. P. 8009(a), hereby states the issue(s) to be presented on appeal:

1. Debtor BDC Group, Inc. pledged its general intangibles and all after-acquired property, and proceeds of them, to the Bank. Following the Eighth Circuit’s holding that “[a] debtor has an inchoate interest in [] avoidance actions prior to the commencement of the bankruptcy proceedings,” *In re Simply Essentials, LLC*, 78 F.4th 1006, 1009 (8th Cir. 2023), the Bank asked the Bankruptcy Court to recognize the Bank’s security interests in avoidance actions. The question presented is whether the Bankruptcy Court erred in denying the Bank’s request and failing to recognize the Bank’s lien on Chapter 5 avoidance actions.

Dated: October 8, 2024

Respectfully Submitted,

SIMMONS PERRINE MOYER BERGMAN PLC

/s/ Abram V. Carls

Eric W. Lam, AT0004416

Abram V. Carls, AT0011818

115 Third Street SE, Suite 1200

Cedar Rapids, IA 52401

Phone: 319-366-7641

Facsimile: 319-366-1917

elam@simmonsperrine.com

acarls@spmbllaw.com

ATTORNEYS FOR KEYSTONE SAVINGS BANK

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 8, 2024, a copy of the foregoing document was filed with the Clerk of Court for the United States Bankruptcy Court for the Northern District of Iowa using the CM/ECF system, and served electronically on those participants that receive service through the CM/ECF System.

/s/ Abram V. Carls